



State Council on Developmental Disabilities
[Also posted at www.scdd.ca.gov]

Legislative Committee

DATE: Monday April 6, 2009

TIME: 1:00 P.M. – 4:00 P.M. *

(*Ending Time for this meeting is an approximation only and is intended solely for the purpose of travel planning.)

PLACE: State Council Headquarters Office
1507 21st Street, Suite 210
Sacramento, CA 95811

CONTACT: Council Phone (916) 322-8481; Council Fax (916) 443-4957

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Agenda

Items may be taken out of order to ensure appropriate flow of the meeting.

- 1. CALL TO ORDER** (R. Knott)
- 2. ESTABLISHMENT OF A QUORUM** (R. Knott)
- 3. MESSAGE FROM THE CHAIR** (R. Knott)
- 4. EXECUTIVE DIRECTOR UPDATE**
- 5. COMMITTEE MEMBER INTRODUCTIONS /ANNOUNCEMENTS**
- 6. PUBLIC COMMENTS**

Public Comments: *[This section is for members of the public only; and is to provide the public an opportunity to comment and/or present information to the Committee on any matter that is not on the agenda. Each public member will be afforded up to three minutes to speak. Written requests, if any, will be considered first under this section. Additionally, the Committee will provide a public comment period not to exceed 5 minutes total for all public comments prior to Committee action on each agenda item.]*

7. ACTION/DISCUSSION ITEMS:

A. Approval of March Minutes

(R. Knott) **GREEN**

B. California Legislation

(R. Knott/S. Hargrove) **BLUE**

- a. AB 378 (Cook)
- b. AB 416 (Block)
- c. AB 438 (Beall)
- d. AB 452 (Yamada)
- e. AB 1538 (Ma)
- f. SB 383 (Liu)

C. Federal Policy/Budget Update

(A. Kerzin) **GOLD**

D. California Budget Update

(A. Kerzin/S. Hargrove) **PINK**

- a. Federal Stimulus Funding Update
- b. May 19, 2009 Special Statewide Election
- c. Budget Hearings

9. ADJOURNMENT

(R. Knott)

Next meeting Tuesday, May 26-27, 2009.



Agenda Item: 7.A
Date: April 6, 2009
Meeting: Legislative Committee

Legislative Committee Minutes

DATE: Tuesday, March 10, 2009
TIME: 10:00 am – 3:00 pm
PLACE: California State Capitol
Room 115
Sacramento, CA 95814

Present:

Randi Knott, Chair
ThoVinh Banh
Ray Ceragioli
Lisa Cooley
Kraig (Max) Duley
Jorge Aguilar
Jennifer Allen
Leroy Shipp
David Mulvaney

SCDD Staff:

Alan Kerzin, Executive Director
Michael Januse
September Hargrove

Guest:

Ralph Black

Chair Randi Knott called the meeting to order at 10:00 AM and a quorum was established.

MESSAGE FROM THE CHAIR-

R. Knott shared with the committee that she believed that the State Council was successful in advocating for stakeholders to provide input in how budget cuts would be made to the Developmental Disabilities System. R. Knott updated the Committee of her budget advocacy visit with Assemblyman Niello and other members of the Committee. R. Knott explained that the State Council is beginning to be seen as a resource and encouraged members to continue to build relationships at the federal, local, and state level.

MESSAGE FROM EXECUTIVE DIRECTOR-

Alan Kerzin provided the Committee with an update on the progress of the Department of Developmental Services (DDS) Workgroup and their plans

to identify \$100 million in general funds savings. A. Kerzin explained that the group would be concluding their meetings this month and that the next step for DDS would be to compile the proposals and prepare a report for the Legislature by April 1, 2009. A. Kerzin shared with the Committee that should the Legislature not approve the savings proposals put forth by DDS then the regional center purchase of services rate would receive an additional 7.1% reduction.

COMMITTEE MEMBER ANNOUNCEMENTS-

M. Duley announced that Area Board 4 would be hosting their second annual Legislative Forum on April 2, 2009 and that the focus of the forum would be on the state budget.

R. Ceragioli announced that he had an opportunity to give Assemblyman Jim Beall a tour of the Fairview Developmental Center and that he attended the Department of Developmental Services Budget stakeholders meeting in Los Angeles, CA. Additionally R. Ceragioli shared with the Committee that Council Chair, Marcy Good, would be a speaker at an upcoming Fairview parent's meeting.

M. Barraza announced that Area Board 10 hosted a panel on the budget and host representation from Disability Rights California and several southern California regional center executive directors.

PUBLIC COMMENT-

None.

APPROVAL OF MINUTES-

T. Banh raised the issues that the discussion concerning AB 302 by Eric Gelber was left off the January meeting minutes and asked that the minutes be revised to include that information.

Motion to adopt with amendments moved by D. Mulvaney/J. Augilar.
Approved.

CALIFORNIA LEGISLATIVE UPDATE-

The Legislative Committee reviewed and took positions on the following bills:

AB 140 (Beall) – Motion to support: J. Aguilar/ M. Duley; T. Bahn abstained. Approved.

AB 214(Chesbro) – Motion to support : L.Shipp/ M. Barraza. Approved.
SB 110 (Liu) – Motion to support: J. Aguilar/ L. Shipp; T. Banh abstained. Approved.

SB 92 (Aanestad) - Moved to the April meeting.

T. Banh provided the Committee with an update on AB 302 (Beall) and requested that the State Council take a position of support on this legislation.

J. Augilar brought to the attention of the Committee, AB 1124 (Yamada) and requested that a sub-committee of the Legislative Committee meet prior to the Council meeting to recommend moving this legislation forward.

R. Knott requested to have staff review the list of future legislation to be heard by the Legislative Committee and pull those bills that are reintroduction bills that the Committee took positions on last year and place them on the March Council agenda with the same position recommendation.

Motion moved to adopt R. Knott proposal by J. Augilar/M. Barraza. Approved.

COUNCIL EMPLOYMENT BILL, AB 287 (BEALL) -

A. Kerzin provided the Committee with an update on the status of AB 287 and gave the committee an overview of the bills content. A. Kerzin explained that the bill should be heard in the Assembly Human Services Committee in late March.

CALIFORNIA BUDGET UPDATE-

Staff September Hargrove provided the Committee with a handout outlining the 2009-10 budget cuts that were approved by the Legislature and Governor.

FEDERAL POLICY UPDATE –

A.Kerzin referred the Committee to review the Disability Policy Collaborative handout on the American Recovery and Reinvestment Act of 2009 in their packets and announced that he and State Council Chair, Marcia Good, would be attending the Disability Policy Forum in April in Washington, D.C.

POLICY SUBCOMMITTEE UPDATE –

Postponed to April meeting agenda.

PRESENTATION – “PREPARING FOR A LEGISLATIVE VISIT”

The Committee received a presentation from Myesha Jackson, Policy Consultant, Office of Senate President Pro Tem Darrell Steinberg and Margaret Pena, Legislative Director, Office of Assemblyman Marty Block on best practices for conducting legislative visits.

ADJOURNMENT -

Meeting adjourned at 2:50 PM.



Agenda Item: 7.B
Date: April 6, 2009
Meeting: Legislative Committee

Detail Sheet for: California Legislation

What is this agenda item about?

The Committee will review new legislation introduced in the 2008-09 legislative session and make recommendations to the Council of positions to take on the Senate and Assembly bills.

What has the Council/Committee done about this so far?

The Committee will see these bills for the first time. However the Committee has previously recommended positions of support, oppose and watch to the Council on legislation impacting the individuals with developmental disabilities and their families.

What needs to be decided at this meeting?

The Committee will review the following bills and make position recommendations to the Council:

- a. AB 378 (Cook)
- b. AB 416 (Block)
- c. AB 438 (Beall)
- d. AB 452 (Yamada)
- e. AB 1538 (Ma)
- f. SB 383 (Liu)

What is the committee or staff recommendation?

Staff recommends that the Committee submit letters to the bill authors stating the Council's position and identify a strategy to communicate the Council's position on controversial legislation to members of the legislature.



Agenda Item: 7.B
Date: April 6, 2009
Meeting: Legislative Committee

Are there attachments?

Yes, attached are brief descriptions and legislative analysis of the bills.



Agenda Item: 7.C
Date: April 6, 2009
Meeting: Legislative Committee

Detail Sheet for:
Federal Policy Update

What is this agenda item about?

The Committee will receive information from Alan Kerzin, State Council Executive Director, on the Community Choice Act (CCA) introduced by U.S. Senator Tom Harkin in March 2009. The CCA will allow people with disabilities and older people to choose to stay in their own homes and communities with attendant care instead of being forced into nursing homes and other institutions by the current institutional bias in Medicaid.

What has the Council/Committee done about this so far?

The Committee review this legislation for the first time. However the Committee has previously recommended positions of support, oppose and watch to the Council on federal legislation impacting the lives of individuals with developmental disabilities and their families.

What needs to be decided at this meeting?

The Committee will review CCA and make a recommendation to the Council to support, oppose, or watch this legislation.

What is the committee or staff recommendation?

Staff recommends that the Council should support CCA and submit letters to Congress advocating for the passage of this legislation.

Are there attachments?

Yes, attached is a press release from The ADAPT Community on CCA. Additional information on CCA will be handed out at the Committee meeting.

From: The ADAPT Community [\[mailto:childerbrant@cdrnys.org\]](mailto:childerbrant@cdrnys.org)
Sent: Wednesday, March 11, 2009 12:05 PM
To: Christina N. Mills
Subject: Senator Harkin, Representative Davis Set to Introduce ADAPT's Community Choice Act on March 24

For Immediate Release:
March 10, 2009

Harkin, Davis Set to Introduce ADAPT's Community Choice Act on March 24

Washington, D.C.---B With thousands of people across the country listening in by phone, Sen. Tom Harkin (D-IA) and Rep. Danny Davis (D-IL) will introduce the Community Choice Act (CCA) in both houses of Congress on March 24. The CCA will allow people with disabilities and older people to choose to stay in their own homes and communities with attendant care instead of being forced into nursing homes and other institutions by the current institutional bias in Medicaid. Both President Obama and Vice President Biden were CCA co-sponsors during their years in the Senate.

"We are very hopeful that CCA will become reality this year," said Mike Oxford, Kansas ADAPT Organizer. "In the time since it was first introduced, our persistent efforts have resulted in securing Medicaid systems change grants, increased money for community services, and the Money Follows the Person grants. We've convinced a variety of federal and state officials that home care is personally preferable and fiscally responsible. All that's left is to make home and community-based services and supports available across the nation so individuals in every state can choose to receive long term care at home in the community."

Under current Medicaid law, states have to fund care in a nursing facility, but are not mandated to also fund the same care in a person's own home. As a result, many people in need of long term care services and supports are literally forced to enter nursing homes or other

institutional settings in order to receive the care they need. This inequality in where services are funded is known as the "institutional bias" in Medicaid.

The introduction ceremony on March 24th will come just before the 10th anniversary of the noted U.S. Supreme Court "Olmstead Decision," said Dawn Russell, ADAPT Organizer in Denver, CO. "In Olmstead the court said forced institutionalization is discrimination, and the court also reinforced the mandate in the Americans with Disabilities Act (ADA) that government services must be delivered in the "most integrated setting."

Since 1997 when the CCA was introduced as the Medicaid Community-based Attendant Services ActB (MiCASA), a variety of time-limited, state-option grants have provided funding for some older and disabled people to move from nursing homes back into the community. The CCA would keep people from having to go into a nursing home in the first place in order to get funding to live in the community.

"Whether you talk to the disability community or to AARP and other aging organizations, the message is both clear and consistent," said Chris Hilderbrant, ADAPT Organizer from Rochester, NY. "People want to stay in their own homes and communities. They do not want to be forced into a nursing home, away from family and friends, because they need some assistance in their daily lives. The situation in rural, frontier and tribal America is even more drastic because nursing homes are typically located miles and miles and hours and hours away from someone's home community."

When asked how the CCA fits into health care reform, Oxford added, "We want CCA to pass in 2009, whether as a stand alone bill, as part of a larger long-term services and supports reform, or as part of the Obama Administration's health care reform package. Obama and Congress must end the institutional bias in 2009"

To listen to the CCA introduction, contact Jeanine at 785-233-4572 or jeklund@tilrc.org .



Agenda Item: 7.D
Date: April 6, 2009
Meeting: Legislative Committee

Detail Sheet for: California State Budget Update

What is this agenda item about?

The Committee will receive updates on the latest actions on the 2009-2010 California State Budget and review the propositions on the May 19, 2009 special statewide election ballot.

What has the Committee/Council done about this so far?

The Committee has opposed proposals with in the 2009-2010 budget that negatively impacts persons with developmental disabilities and met with members of the Legislature to advocate for the continuation essential services and supports and proposed alternative budget solutions to minimize the cuts to the developmental disabilities system.

What needs to be decided at this meeting?

The Committee will be updated by Executive Director, Alan Kerzin, on the newest developments on the state budget from the Department of Finance and State Treasurer's April 1, 2009 report to the Legislature on the federal stimulus funding. Additionally, the Committee will hear an up from Alan Kerzin on the Department of Developmental Services April 1, 2009 report to the Legislature on the \$100 million general funds savings to the Regional Center System and recommend any necessary actions to the Council for consideration.

What is the staff recommendation?

None at this time.



Agenda Item: 7.D
Date: April 6, 2009
Meeting: Legislative Committee

Are there attachments?

Yes, attached is a summary of the May 19, 2009 special election ballot propositions. Additional budget information may be handed out at the Committee meeting.

May 19, 2009 Special Statewide Election

Proposition Summaries

Proposition 1A

‘RAINY DAY’ BUDGET STABILIZATION FUND. Changes the budget process. Could limit future deficits and spending by increasing the size of the state “rainy day” fund and requiring above-average revenues to be deposited into it, for use during economic downturns and other purposes. Fiscal Impact: Higher state tax revenues of roughly \$16 billion from 2010-2011 through 2012-2013. Over time, increased amounts of money in state rainy day reserve and potentially less ups and downs in state spending.

Proposition 1B

EDUCATION FUNDING. PAYMENT PLAN. Requires supplemental payments to local school districts and community colleges to address recent budget cuts. Fiscal Impact: Potential state savings of up to several billion dollars in 2009-2010 and 2010-2011. Potential state costs of billions of dollars annually thereafter.

Proposition 1C

LOTTERY MODERNIZATION ACT. Allows the state lottery to be modernized to improve its performance with increased payouts, improved marketing, and effective management. Requires the state to maintain ownership of the lottery and authorizes additional accountability measures. Protects funding levels for schools currently provided by lottery revenues. Increased lottery revenues will be used to address current budget deficit and reduce the need for additional tax increases and cuts to state programs. Fiscal Impact: Allows \$5 billion of borrowing from future lottery profits to help balance the 2009-2010 state budget. Debt-service payments on this borrowing and higher payments to education would likely make it more difficult to balance future state budgets.

Proposition 1D

CHILDREN'S SERVICES FUNDING. Temporarily provides greater flexibility in funding to preserve health and human services for young children while helping balance the state budget in a difficult economy. Fiscal Impact: State General Fund savings of up to \$608 million in 2009-2010 and \$268 million annually from 2010-2011 through 2013-2014. Corresponding reductions in funding for early childhood development programs provided by the California Children and Families Program.

Proposition 1E

MENTAL HEALTH FUNDING. TEMPORARY REALLOCATION. Helps balance state budget by amending the Mental Health Services Act (Proposition 63 of 2004) to transfer funds, for two years, to pay for mental health services provided through the Early and Periodic Screening, Diagnosis, and Treatment Program for children and young adults. Fiscal Impact: State General Fund savings of about \$230 million annually for two years (2009-2010 and 2010-2011). Corresponding reduction in funding available for Mental Health Services Act programs.

Proposition 1F

ELECTED OFFICIALS' SALARIES. PREVENTS PAY INCREASES DURING BUDGET DEFICIT YEARS. Encourages balanced state budgets by preventing elected Members of the Legislature and statewide constitutional officers, including the Governor, from receiving pay raises in years when the state is running a deficit. Directs the Director of Finance to determine whether a given year is a deficit year. Prevents the Citizens Compensation Commission from increasing elected officials' salaries in years when the state Special Fund for Economic Uncertainties is in the negative by an amount equal to or greater than one percent of the General Fund. Fiscal Impact: Minor state savings related to elected state officials' salaries in some cases when the state is expected to end the year with a budget deficit.



**CALIFORNIA STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

Bill Number: AB 378

Author: Assemblyman Cook

Subject: In Home Supportive Services Provider Training

Version: Introduced

Sponsor: United Domestic Workers of America

Position Recommendation :

☒ Support

☐ Support if amended

☐ Oppose

☐ Oppose unless amended

☐ Watch

Priority Recommendation:

☐ High (Letter, Hearing Testimony, & Advocacy meeting with bill authors, legislative and department staff)

☐ Medium (Letter & Hearing Testimony)

☒ Low (Letter only)

SCDD Policy Priority:

SUMMARY

AB 378 requires each public authority or nonprofit consortium, in consultation with its advisory committee and stakeholders, to develop training standards and core topics, to be used in the training it provides.

AB 378 is a reintroduction of AB 182 (Ma, 2007) which was vetoed by the Governor.

EXISTING LAW

Existing law establishes the IHSS program to provide personal services and home care for eligible poor, aged, blind and disabled individuals. Existing law also

requires every public authority or nonprofit consortium providing for the delivery of IHSS to provide for the training of providers and recipients.

AB 378 will amend section 12301.6 of the Welfare and Institution Code, relating to IHSS.

RECOMMENDATION

Support.

SUGGESTED AMENDMENTS

None.

ANALYSIS

The bill author identifies that training is the most important tool, next to providing IHSS workers with a livable wage, for improving the IHSS program outcomes and improving worker retention. The goal of AB 378 is to establish uniform standards for training in order to ensure all consumers receive quality care. According to the bill analysis for AB 182, there are no statewide training guidelines which counties can use for IHSS workers who provide vital services to the state's elderly and disabled population." The United Domestic Workers, this bill's sponsor, observe that wide variations exist among counties in the nature and amount of training offered.

Specifically, AB 378 will:

- Enhance integrity and consistency in IHSS programs through training provided to IHSS providers and recipients. In 2004, with the signing of budget bill SB 1104, Governor Schwarzenegger created a quality assurance program that, among other things, set up ongoing standardized trainings for county social workers, because the state believed it would lead to program integrity and consistency.
- Require each public authority or nonprofit consortium, in consultation with its advisory committee and stakeholders, to develop training standards and core topics to be used in training it provides.

- Clarify current law by establishing standardized core topics for IHSS trainings, but allow for counties that want to cover more training topics to do so.

STAFF CONTACT

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**CALIFORNIA STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

Bill Number: AB 416

Author: Assemblyman Block

Subject: Consumer Abuse Registry

Version: Introduced

Sponsor: REACH Project

Position Recommendation :

☒ Support

☐ Support if amended

☐ Oppose

☐ Oppose unless amended

☐ Watch

Priority Recommendation:

☐ High (Letter, Hearing Testimony, & Advocacy meeting with bill authors, legislative and department staff)

☒ Medium (Letter & Hearing Testimony)

☐ Low (Letter only)

SCDD Policy Priority:

Abuse Prevention

SUMMARY

AB 416 requires providers of services to people with developmental disabilities (consumers) to report evidence of consumer abuse to investigating agencies, requires investigating agencies to report substantiated cases of consumer abuse to the Department of Developmental Services (DDS), and requires DDS to develop a registry of direct service workers with histories of substantiated reports of abuse.

AB 416 is a reintroduction of AB 1983 (Evans) from 2008 which the State Council supported. AB 1983 was held in the Assembly Appropriations Committee.

EXISTING LAW

Existing law establishes the Lanterman Developmental Disabilities Services Act, which provides that consumers have a right to services and supports to meet the needs and choices of each person and to support their integration into the mainstream of life of the community, and which provides that consumers have a right to be free from harm, including unnecessary physical restraint, or isolation, excessive medication, abuse, or neglect.

This bill will add section 4640.4 to the Welfare and Institution Code relating to developmental services.

RECOMMENDATION

Support.

SUGGESTED AMENDMENTS

None.

ANALYSIS

In California, over 220,000 consumers receive care in residential and day programs, independent and supported living, and at-home, private care. The author reports that these individuals are 2-5 times more likely to experience severe, long-lasting, and repeated abuse than people without disabilities, often by the very persons who are responsible for their care and well-being. According to the Registry to End Abusive Caregiver Hiring (REACH) Project, the higher incidence of abuse among consumers is due to many factors, including:

- Consumers are often segregated from the mainstream population;
- Consumers are often heavily dependent on caregivers for basic care needs and;
- Consumers may have severe cognitive disabilities that make them more vulnerable to abuse, less aware of their rights, and less able to report abuse.

AB 416 will address a critical need to protect personal with developmental disabilities. Specifically, this bill will:

- Directs DDS to establish a registry of direct service workers, for whom reports of substantiated abuse have been submitted to the department by investigating agencies,
- Requires providers to report cases of abuse to an investigating agency,
- Requires providers to access the registry prior to hiring or contracting with a direct service worker, and
- Prohibits the hiring or contracting of any direct service worker listed on the registry.

In California, no current abuse registry exists for persons with developmental disabilities. Eight other states currently have abuse registries for persons with developmental disabilities: Delaware, Idaho, Iowa, Ohio, Wisconsin, Louisiana, New Mexico, and Vermont.

STAFF CONTACT

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**CALIFORNIA STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

Bill Number: AB 438

Author: Assemblyman Jim Beall

Subject: People with Developmental Disabilities in the Criminal Justice System

Version: Introduced

Sponsor: Assemblyman Jim Beall

Position Recommendation :

☒ Support

☐ Support if amended

☐ Oppose

☐ Oppose unless amended

☐ Watch

Priority Recommendation:

☐ High (Letter, Hearing Testimony, & Advocacy meeting with bill authors, legislative and department staff)

☒ Medium (Letter & Hearing Testimony)

☐ Low (Letter only)

SCDD Policy Priority:

SUMMARY

AB 438 takes several steps to ensure more appropriate services and supports for people with developmental disabilities who become involved with the criminal justice and court system.

EXISTING LAW

Existing law establishes a process diversion for defendants with cognitive developmental disabilities in criminal proceedings. This bill will add section 7578.5 to the Government Code, amend section 1001.21 of the Penal Code, and amend section 4418.7 of the Welfare and Institution Code, relating to developmental services.

RECOMMENDATION

Support.

SUGGESTED AMENDMENTS

None.

ANALYSIS

According to a 2002 report prepared by the Association of Regional Center Agencies (ARCA) Forensic Committee, it is estimated that between 2% and 10% of the jail and prison population are persons with developmental disabilities. This population has a distinct disadvantage of receiving equitable services and supports, are more vulnerable to the pressures of interrogation, have higher rates of recidivism, and are more likely to endure poor treatment and suffer abuse.

Furthermore, jail and prison personnel are often ill-equipped to provide people with developmental disabilities with the basic training or habilitation needed to become productive members of the community upon their release. This significant barrier supports the need for AB 438.

Specifically, AB 438 will:

- Establish by July 1, 2010 an interagency agreement between the Department of Developmental Services and the Department of Corrections and Rehabilitation for the sharing of information and data.
- Expand eligibility for diversion to persons with developmental disabilities charged with non-violent felonies.
- Convene a task force to identify strategies and best practices for local interagency coordination and cooperation in addressing the needs of adults and juveniles with developmental disabilities, and identify system barriers to services people with developmental disabilities in community-based settings instead of jails and prisons and develop training curricula. The task force will also issue interim reports to the Legislature on the progress of their work by July 1, 2011 and July 1, 2012 and issue a final report to the Legislature by June 30, 2013.
- Require regional resource development projects to take similar steps with respect to persons with developmental disabilities to prevent their admission

to a developmental center placement because of their commitment under Penal Code 1370.0 is about to end.

STAFF CONTACT

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**CALIFORNIA STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

Bill Number: AB 452

Author: Assembly Member Yamada

Subject: In Home Supportive Services California Independence Act of 2009

Version: Introduced

Sponsor:

Position Recommendation :

☒ Support

☐ Support if amended

☐ Oppose

☐ Oppose unless amended

☐ Watch

Priority Recommendation:

☐ High (Letter, Hearing Testimony, & Advocacy meeting with bill authors, legislative and department staff)

☒ Medium (Letter & Hearing Testimony)

☐ Low (Letter only)

SCDD Policy Priority:
Abuse Prevention

SUMMARY

AB 452 would establish the California Independence Program, a voluntary program for the provision of in home supportive services (IHSS) to certain aged, blind, and disabled individuals who are otherwise ineligible for IHSS services.

AB 452 is a modified version of SB 1599 (Wiggins) which the State Council supported in 2008. SB 1599 was held in the Senate Appropriations Committee.

EXISTING LAW

Existing law provides for the IHSS program, which provides either through employment by the recipient or by or through contract by the county, qualified,

aged, blind and disabled persons receive services enabling them to remain in their own homes.

AB 452 would add section 12318 to the Welfare and Institution Code.

RECOMMENDATION

Support.

SUGGESTED AMENDMENTS

None.

ANALYSIS

California has a rapidly growing aging population. According to the Legislative Analysis office, between 2004 and 2010, the number of Californians 65 years of age or older will increase by 2.4 percent per year, which will result in an increase of more than 604,000 Californians in this age group in just six years. This anticipated growth put significant stress on our health care delivery system. AB 452 will improve our state's ability to provide low-cost personal care services as an alternative to acute care and nursing home stays.

STAFF CONTACT

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**CALIFORNIA STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

Bill Number: AB 1538

Author: Assembly Member Ma

Subject: Restraint and Seclusion

Version: Introduced

Sponsor: Disability Rights California

Position Recommendation :

☒ Support

☐ Support if amended

☐ Oppose

☐ Oppose unless amended

☐ Watch

Priority Recommendation:

☐ High (Letter, Hearing Testimony, & Advocacy meeting with bill authors, legislative and department staff)

☒ Medium (Letter & Hearing Testimony)

☐ Low (Letter only)

SCDD Policy Priority:
Abuse Prevention

SUMMARY

AB 1538 prohibits an educational provider from using chemical and mechanical restraint, and limits the use of physical restraint and seclusion, as specified.

AB 1538 is a reintroduction of SB 1515 (Kuehl, 2008) which was vetoed by the Governor. The State Council supported SB 1515.

EXISTING LAW

Existing law prohibits a person employed by or engaged in a public school to inflict, or cause to be inflicted, corporal punishment upon a pupil.

AB 1538 amends section 32282 of, and to add Article 5.5 (commencing with section 49010) to Chapter 6 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to pupil discipline.

RECOMMENDATION

Support.

SUGGESTED AMENDMENTS

None.

ANALYSIS

Disability Rights California (DRC) the sponsor of this bill conducted an investigation into allegations of abusive restraint and seclusion practices involving seven students across the state. The seven students in the report are individuals with disabilities. According to DRC, the investigations revealed "the failure of school personnel to comply with existing regulations and the failure of current law to sufficiently regulate the use of these risky practices."

Specifically, AB 1538 will:

- Prohibit and educational provider from using chemical restraints, mechanical restraints, physical restraints, or seclusion on a pupil who is an individual with exceptional needs for the purpose of coercion, discipline, convenience, or retaliation by staff.
- Limit the use of physical restraint and would allow specific conditions under which and educational provider would be authorized to use physical restraint.
- Provide that those limitations and conditions only apply to the use of physical restraint on individuals with exceptional needs who receive special education and related services.
- Allow until January 1, 2012, nonpublic, nonsectarian schools, and certain district-designated alternative programs to use seclusion if specified conditions are met.

STAFF CONTACT

September Hargrove, Legislative Specialist, 916-322-6775,
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**CALIFORNIA STATE COUNCIL ON
DEVELOPMENTAL DISABILITIES**

Bill Number: SB 383

Author: Senator Liu

Subject: Autism Screening

Version: Introduced

Sponsor: Senator Liu

Position Recommendation :

☒ Support

☐ Support if amended

☐ Oppose

☐ Oppose unless amended

☐ Watch

Priority Recommendation:

☒ High (Letter, Hearing Testimony, & Advocacy meeting with bill authors, legislative and department staff)

☐ Medium (Letter & Hearing Testimony)

☐ Low (Letter only)

SCDD Policy Priority:

SUMMARY

SB 383 requires that Department of Developmental Services (DDS) to provide recommendations by no later than October 1, 2011 for a system of universal screening for infants, and rescreening of children at two years of age. Additionally, SB 383 requires DDS to seek existing or new federal funding to support the implementation of this bill.

EXISTING LAW

Existing law requires DDS to develop and publish evaluation and diagnostic procedures for the diagnosis of autism spectrum disorders (ASD) and to train regional center clinical staff in the utilization of those procedures.

This bill will add section 4643.4 to the Welfare and Institution Code relating to autism.

RECOMMENDATION

Support.

SUGGESTED AMENDMENTS

None.

ANALYSIS

The dramatic growth in the number of children diagnosed with autism poses as a public health crisis. According to statistics provided by DDS report that, as of the end of December 2007, approximately 37,000 people in California have a diagnosis of autism. Roughly 85 percent of these consumers with autism are under the age of 22.ⁱ This figure is up from about 10, 000 individuals in December 1998 and 20,000 in December 2002. Nationally, ASD is estimated to affect one in every 150 children.

The Blue Ribbon Commission on Autism in its 2007 report, recommended early identification and intervention as a necessary step in improving the outcomes for individuals with ASD.

Specifically, SB 383 requires:

- DDS by October 1, 2011 to provide recommendations for a system of universal screening for infants, and rescreening for children at two years of age.
- DDS to seek existing and federal funding for screening.

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ⁱ The California Legislative Blue Ribbon Commission on Autism Report. September 2007